

PAUL EVERLY 185359 #

Name, Prisoner ID #

SSN: 447-07-2958

8607 SE Flowermound RD.

Address

LAWTON, OKLA. 73501

FILED

JAN 14 2019

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

PAUL EVERLY "PRO-SE" Plaintiff(s)
(Full Name)

19 CV 023 CVE - JFJ
CASE NO. (To be supplied by the Clerk)

v. WASHINGTON COUNTY ET-AL

CURTIS DELAPP "ET-AL"
Defendant (s)

KEVIN BUCHANON "ET-AL"

CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. § 1983

A. PARTIES

1) PAUL EVERLY PRO-SE Plaintiff, is a citizen of OKLAHOMA (State)
who presently resides at LCE, 8607 SE Flowermound RD.
(mailing address or place of confinement)
LAWTON, OKLA 73501

2) Defendant CURTIS DELAPP is a citizen of
BARTLESVILLE, OKLA., and is employed
(City, State)
as DISTRICT JUDGE FOR WASHINGTON COUNTY
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? Yes No

If your answer is "Yes", briefly explain:

CURTIS DELAPP WAS EMPLOYED BY WASHINGTON COUNTY AS THE DISTRICT JUDGE BEFORE HE WAS FORCED TO RESIGN, AND CHARGED WITH VOTING FRAUD, ABUSIVE POWER, ABUSIVE FORCE, AND EXCESSIVE SENTENCING. WASHINGTON CO. IS RESPONSIBLE FOR THEIR EMPLOYEES ACTIONS, UNDER THE COLOR OF LAW.

3) Defendant Kevin Buchanan is a citizen of
(Name of second defendant)
BARTLESVILLE, OKLA., and is employed
(City, State)
as DISTRICT ATTORNEY FOR WASHINGTON COUNTY
(Position and title, if any)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? Yes No

If your answer is "Yes", briefly explain:

Kevin Buchanan is employed as THE DISTRICT ATTORNEY FOR WASHINGTON COUNTY. THE COUNTY IS RESPONSIBLE FOR THEIR EMPLOYEES ACTIONS UNDER THE COLOR OF LAW.
[You may attach one additional page (8½" x 11") to furnish the above information for additional defendants.]

B. JURISDICTION

1) Jurisdiction is asserted pursuant to: (Check one)

42 U.S.C. § 1983

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics.
403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to fed. prisoners)

2) Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

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C. NATURE OF THE CASE

1) Briefly state the background of your case. my CIVIL RIGHTS WERE VIOLATED BY THE DEFENDENTS BECAUSE THEY DENIED ME DUE-PROCESS, CONFLICT OF INTREST, AND NEGLIGENCE BY ILLEGALLY ELECTED OFFICIALS.

D. CAUSE OF ACTION

1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary you may attach up to two additional pages (8½" x 11") to explain any allegation or to list additional supporting facts.)

a) (1) Count I: 14TH AMENDMENT VIOLATION'S
By ILLEGALLY ELECTED OFFICIALS
VIOLATION'S.

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and date. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.) I HAD RIGHTS TO AN ALLOCATION

HEARING AS WELL AS AN EVIDENTIARY HEARING THAT WAS DENIED BY THE DEFENDENTS. THIS WAS RULED ON AND AGREED TO BY THE ATTORNEY GENERAL, THE FEDERAL [REDACTED] JUDGE, AS WELL AS THE OKLAHOMA BAR ASSOCIATION IN MY APPEAL THAT WAS FILED IN THE COURT OF CRIMINAL APPEALS.

They ALL AGREED THAT MY CIVIL RIGHTS WERE HIGHLY VIOLATED.

- b) (1) Count II: CONFLICT OF INTEREST BY ILLEGALLY ELECTED OFFICIALS VIOLATIONS

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

KEVIN BUCHANON WAS MY PAID ATTORNEY THAT REPRESENTED ME, HE GOT ME 5-YEARS IN PRISON AND 15-YEARS SUSPENDED SENTENCE, THEN LATER HE BECAME THE DISTRICT ATTORNEY AND REVOCATED THE 15-YEARS THAT WAS SUSPENDED. ALSO, CURTIS DELAPP WAS THE DISTRICT ATTORNEY BACK THEN THAT PROSECUTED ME, THEN HE LATER BECAME THE DISTRICT JUDGE AND REVOCATED THE 15-YEARS THAT WAS SUSPENDED. COURT OF APPEALS ALSO AGREED THAT THIS WAS CONFLICT OF INTEREST.

- c) (1) Count III: Negligence Violations

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

THE COURT CLERKS FOR WASHINGTON COUNTY FAILED THEIR RESPONSIBILITY TO ENSURE THAT CONFLICT OF INTEREST DOESN'T HAPPEN THE SAME WAY THAT IT DID IN MY CASE. THE COURT OF APPEALS, AS WELL AS THE BAR ASSOCIATION, HAS AGREED THAT MY CIVIL RIGHTS WERE VIOLATED BY THE DEFENDENTS IN ALL 3 COUNTS THATS FILED IN THIS CIVIL SUIT BY ILLEGALLY ELECTED OFFICIALS

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes No

If your answer Is "Yes", describe each lawsuit. [If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format on a blank sheet of paper which you should label "E. PREVIOUSLY LAWSUITS AND ADMINISTRATIVE RELIEF."]

- a) Parties to previous lawsuit:

Plaintiffs: _____

██████████ MY APPEAL IN COURT OF APPEALS

Defendants: **THAT WAS AGREED TO IN FAVOR OF**

- b) Name and Location of Court and docket number: **THE PLAINTIFFS, THAT
MY CIVIL RIGHTS WERE IN FACT VIOLATED,**

- c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

NO CIVIL SUITS HAS BEEN FILED IN

d) Issues raised: **FEDERAL COURT BEFORE THIS**

e) Approximate date of filing lawsuit: **██████████ 42 USC § 1983**

f) Approximate date of disposition: _____

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes No

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought. **SEE THE APPEAL, THE DEFENDANT CURTIS BELAPPA WAS FORCED
TO RESIGN, AND CHARGED WITH VOTING FRAUD, ABUSIVE POWER, ABUSIVE
FORCE, AS WELL AS EXCESSIVE SENTENCING. THUS BEING AN
ILLEGALLY ELECTED OFFICIAL.**

- 3) I have exhausted available administrative remedies. Yes No

If your answer is "Yes", briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No", briefly explain why administrative remedies were not exhausted.

**ALL REMEDIES HAS BEEN EXHAUSTED ALL THE WAY TO THE
COURT OF CRIMINAL APPEALS, "CIVIL ACTION" IS THE NEXT
PROPER REMEDIES.**

F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

- 1) If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States, while you were incarcerated or detained in any facility, that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. [If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet of paper which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."]

- a) Parties to previous lawsuit:

(SEE SECTION E ABOVE)

AN APPEAL WAS RUINED IN FAVOR OF THE PLAINTIFF BY COURT OF APPEALS, AS WELL AS THE BAR ASSOCIATIONS.

Plaintiffs:

Defendants:

b) Name and Location of Court and docket number: Now Civil Action is Proper Way To Get Compensated.

c) Grounds for dismissal: [] frivolous [] malicious [] failure to state a claim upon which relief may be granted.

d) Approximate date of filing lawsuit: _____

e) Approximate date of disposition: _____

2) Are you in imminent danger of serious physical injury? Yes No If your answer Is "Yes", please describe the facts in detail below without citing legal authority or argument.

By Being INCARCERATED WITH VIOLENT CRIMINALS WITH NO DUE-PROCESS, CONFLICT OF INTEREST, AND By Negligence of The DEFENDENTS . By (ILLEGALLY) (ELECTED OFFICIALS).

G. REQUEST FOR RELIEF

1) I believe that I am entitled to the following relief: BECAUSE THE DEFENDENTS VIOLATED my CIVIL RIGHTS, ITS COST ME 7-YEARS OF IMPRISONMENT, THOUSANDS OF DOLLARS IN LEGAL FEES, HAS CAUSED ME TO LOSE MY HOUSE, CARS, ASSETS, HAS CAUSED MY FIANCÉ AND I TO SPLIT UP thus RUINING MY MARRAGE, PAIN AND SUFFERING MENTALLY AND PHYSICALLY, TO MANY THINGS TO LIST NOW, THIS ENTITLES ME TO \$1,000,000.00 IN MONETARY DAMAGE AND \$2,000,000.00 PUNITIVE AWARD TO ENSURE THAT NO OTHER CITIZENS RIGHTS ARE EVER AGAIN VIOLATED IN THE SAME FASSION AS MINE WERE, ALSO A ORDER FROM THE COURT TO BE ABLE TO SUE THE DEFENDENTS PROFFESIONALY AS WELL AS IN THEIR INDIVIDUAL CAPACITIES.

Paul Everly PRO-SE

Original Signature of Attorney (if any)

Paul Everly PRO-SE.

Original Signature of Petitioner

LCF

8607 SE FLOWERMOUND RD.
LAWTON, OKLA. 73501

(Attorney's full address and telephone number)

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares (or certifies, verifies, or states) under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. § 1746. 18 U.S.C. § 1621.

8607 SE Flowermound RD.
Executed at LCF LAWTON, OKLA, on 1-14-19.
(Location) (Date)

Paul Everly Pro-se
Original Signature of Petitioner

-1-

1-10-19

DEAR, COURT CLERK.

THE LAW LIBRARY AT LCF WILL NOT
HELP ME VERY MUCH.

THEY WON'T GIVE ME ANY LEGAL
ADVICE, DO ANY TYPEING FOR ME, OR
GIVE ME THE PROPER FORMS TO USE.

"SORRY" FOR ANY INCONVENIENCE

THIS MAY HAVE CAUSED YOU.

"THANK-YOU"

Mail No Cert Svc No Orig Sign
 C/J C/MJ C/Rcvd No Env
 No Clys No Env/Clys C/J C/MJ

Paul Everly
1-10-19

UNITED STATES DISTRICT COURT
FOR THE ~~NORTHERN~~ DISTRICT OF OKLAHOMA

PAUL EVERLY PRO-SE

vs. WASHINGTON Co. ET-AL Plaintiff(s))
CURTIS DelApp ET-AL) Case No. _____
KEVIN Buchanon ET-AL Defendant(s).)

PRAECIPE FOR SUMMONS

(Required by LCvR 4.1)

TO THE CLERK OF SAID COURT: You will please issue summons in the above entitled cause for the persons listed below and make the same returnable according to law.

Name of Defendant(s)	Address Serve/Agent	Serve/Agent	Type of Service	Days to Answer
<u>CURTIS DelApp</u>	<u>420 S. Johnstone BARTLESVILLE, OKLA.</u>			

PAUL EVERLY PRO-SE
Name of Plaintiff or Attorney for Plaintiff (Please Type or Print)

Paul Everly PRO-SE
Signature (Plaintiff or Attorney)

Telephone No.: _____ Fax No.: _____

8607 SE Flower mound RD,
Street or Mailing Address

LAWTON, OKLA. 73501
City & State Zip Code

**UNITED STATES DISTRICT COURT
FOR THE [REDACTED] DISTRICT OF OKLAHOMA**

PAUL EVERLY PRO-SE
 Plaintiff(s))
 vs. WASHINGTON Co ET-AL)
CURTIS DeNAPP ET-AL)
KEVIN BUCHANON ET-AL Defendant(s).

PRAECIPE FOR SUMMONS
(Required by LCvR 4.1)

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Name of Defendant(s)	Address Serve/Agent	Serve/Agent	Type of Service	Days to Answer
<u>Kevin Buchanan</u>	<u>420 S. Johnstone BARTLESVILLE, OKLA.</u>			

PAUL EVERLY PRO-SE
 Name of Plaintiff or Attorney for Plaintiff (Please Type or Print)
Paul Everly PRO-SE
 Signature (Plaintiff or Attorney)

Telephone No.: _____ Fax No.: _____

8607 SE FLOWERMOUND RD.
 Street or Mailing Address

LAWTON, OKLA 73501
 City & State Zip Code

PAUL EVERLY
LCF 4-E-104
8607 S.E. Flower mound RD.
LAWTON, OKLA. 73501

19 CV 023 CVE - JFJ



Post Marked
1/11/19 JFJ

Page Belcher Federal Bldg.
UNITED STATES COURT HOUSE
District Court Clerk

333 W. 4TH ST.
TULSA, OKLA.

RECEIVED

JAN 14 2019

Mark C. McCants, Clerk
U.S. DISTRICT COURT

LEGAL MAIL

AL MAIL

This correspondence is from an inmate under the custody
of the Oklahoma Department of Corrections - GEO-ICF.
For specific information about the inmate residing this
correspondence, such as projected release date, photo,
etc., refer to our website at www.ok.gov/doc.
Click on the "Offender Information" link then the "Offender
Lookup". If or contact GEO-ICF at 500-351-2778.
"whether the facility is not responsible for the substance
or content. Objectionable material may be returned to
the facility head at GE-QICP."